

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. CR05-305 RSM
12 v.)
13) DETENTION ORDER
14 RICHARD M. LAFFEY,)
15 Defendant.)

Offense charged:

Count I: Possession of Methamphetamine with Intent to Distribute, in violation of Title 21, U.S.C., Sections 841(a)(1) and 841(b)(1)(A).

Date of Detention Hearing: August 24, 2005.

20 The Court, having conducted an uncontested detention hearing pursuant to Title
21 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for
22 detention hereafter set forth, finds that no condition or combination of conditions which the
23 defendant can meet will reasonably assure the appearance of the defendant as required and
24 the safety of any other person and the community. The Government was represented by
25 Ron Friedman. The defendant was represented by Carol Koller.

26 The Government filed a Motion for Detention, to which the defendant stipulated.

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1 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 2 (1) There is probable cause to believe the defendant committed the drug
3 offense. The maximum penalty is in excess of ten years. There is
4 therefore a rebuttable presumption against the defendant's release based
5 upon both dangerousness and flight risk, under Title 18 U.S.C. §
6 3142(e).
- 7 (2) Nothing in this record satisfactorily rebuts the presumption against
8 release for several reasons:
9 (a) The defendant poses a risk of nonappearance as his ties to this
10 district and personal background are unknown. Of great
11 significance to the Court is the defendant's history of flight to
12 avoid prosecution as indicated in his criminal history which
13 highlights numerous escapes and Attempts to Elude. The Court
14 views this history as indicative of an inability to comply with
15 court orders.
16 (b) Due to the nature and seriousness of the instant offense, combined
17 with the defendant's lengthy criminal history and an existing
18 Protection Order, release of the defendant would pose a danger to
19 the community.
20 (c) The defendant stipulated to detention.
21 (3) Based upon the foregoing information which is consistent with the
22 recommendation of U.S. Pre-trial Services, it appears that there is no
23 condition or combination of conditions that would reasonably assure
24 future Court appearances and/or the safety of other persons or the
25 community.

It is therefore ORDERED:

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
 - (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
 - (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
 - (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 31st day of August, 2005.

M. Bentan

Monica J. Benton
United States Magistrate Judge